

HON. J. KELLEY ARNOLD

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON, AT TACOMA

JAMES Q. WILKINSON,  
Plaintiff,

v.

ELDON VAIL; SANDRA CARTER; TINA  
ADAMS; EARL RICHARDSON;  
GREGORY OLEKAS; SAUL  
MAZARIEGO; JOHN IDES; MICHAEL  
CHRISTENSEN; DAVID O'NEEL;  
PHYLLIS ELLIS; and ROBERT SIGNOR,

Defendant.

NO. C05-5656JKA

ORDER RE: DEFENDANT PHYLLIS  
ELLIS' MOTIONS IN LIMINE

THIS MATTER having come on for hearing on Defendant Phyllis Ellis' Motions in  
Limine, by and through her counsel of record, and the Court having considered the files and  
records herein and being fully advised, now, therefore,

IT IS HEREBY ORDERED, that Plaintiff is precluded from introducing any evidence or  
testimony, comments, argument, statements or questions by counsel, any witnesses, parties,  
directly, indirectly or by inference on the following matters:

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No.	Description	Granted	Denied	Reserved
1	The fact that this motion has been filed.	Granted		
2	Witnesses' probable testimony.	Granted		
3	Testimony by non-experts as to medical or psychological damage or diagnosis.	Granted, except as to physical condition and attitude		
4	Any testimony purporting to state what the law is.	Granted		
5	Testimony as to the value of hedonic damages.	Granted		
6	Expenses of litigation.	Granted		
7	Prohibiting any reference to the financial situation of the parties and Plaintiff's inability to pay for medical services.	Granted, except as to mitigation issues		
8	Undisclosed theories of law.	Granted		
9	Any Witnesses, Evidence or Theories Not Identified in Discovery.	Granted		
10	All parties should be required to give notice of witnesses to be called in trial.	Granted		
11	Testimony by unqualified persons as to future wage loss and future medical expenses.	Granted		
12	Medical Records and Bills Unsupported by Proper Testimony.	Granted		
13	Arguments that jurors should place themselves in the position of Plaintiff are inappropriate.	Granted		
14	Evidence regarding symptoms, medical conditions and medical costs which have not been related to this accident by an expert on a more-probable-than-not basis.	Granted		
15	Any statement or testimony without proper foundation that the Plaintiff suffered an "emotional" or "psychological" injury should be excluded.	Granted		
16	Any evidence or argument concerning insurance available to Defendants are inadmissible.	Granted		
17	Reference to settlement or settlement negotiations is inadmissible.	Granted		
18	Any proffered opinion testimony by Plaintiffs' experts outside of their field of expertise should be excluded, including any testimony relating to causation and damages.			Reserved

1 IT IS FURTHER ORDERED that Plaintiff's counsel and Plaintiff shall inform all  
2 witnesses called by Plaintiff of the prohibition against testimony on these subjects. To the extent  
3 a particular motion in limine is denied or reserved, Defendant Phyllis Ellis shall have a continuing  
4 objection as to any evidence or testimony, comments, argument, statements or questions by  
5 counsel, any witnesses, parties, directly, indirectly or by inference on the matters set forth therein.

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7 DONE IN OPEN COURT this 27<sup>th</sup> day of April, 2007.

8 /s/ J. Kelley Arnold  
9 U.S. MAGISTRATE JUDGE

10 Presented by:

11 JACKSON & WALLACE LLP

12 By /s/Matthew R. Wojcik  
13 Matthew R. Wojcik, WSBA No. 27918  
14 1201 Third Avenue  
15 Seattle, WA 98101  
16 Telephone: (206) 386-0214  
17 Fax: (206) 386-0216  
18 Email: mwojcik@jacksonwallace.com  
19 Attorneys for Defendant Phyllis Ellis  
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